SINGLE BENCH

(4) (2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 812/2007

PETITIONERS :

1. **Radheshyam Sahu**
   S/o Shri Kartik Ram Sahu
   Age about 42 years, Assistant Teacher,
   Govt. Primary School, Kurmandi,
   Distt. - Korba (C.G.)
2. **Smt. Rewati Singh**
   W/o Shri Uday Singh
   Age about 47 years, Assistant Teacher,
   Govt. Primary School, Purani Basti,
   Distt. - Korba (C.G.)
3. **Smt. Shalini Thakur**
   W/o Shri D. S. Thakur
   Age about 46 years, Assistant Teacher,
   Govt. Primary School, Purani Basti,
   Distt. - Korba (C.G.)
4. **Gulshan Kumar** (Before Marriage - Gulshan Khan)
   W/o Shri Suresh Kumar
   Age about 41 years, Assistant Teacher,
   Govt. Primary School,
   Mudapar, Distt. - Korba (C.G.)

P.R. No. 973/07
Presented by Shri Ajay Srivastava
dated 03.12.07

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COMMISSIONER
APARNA
MALVIYA
CG-807/06
24/12/07
Bilaspur Chhattisgarh

VERSUS

RESPONDENTS :

1. **State Government of Chhattisgarh**
   Through :- **Secretary,**
   Tribal & Education Department,
   D.K.S. Bhawan, Raipur (C.G.)
2. **Assistant Commissioner**
   Tribal Welfare Department, Korba (C.G.)
3. **District Education Officer**
   Korba (C.G.)

(5)

~~(3)~~

4. **Block Education Officer**
Korba, Distt. - Korba (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Petitioners most humbly submit as under :-

(43)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 812 of 2007

Petitioners : Radheshyam Sahu and others

Versus

Respondents : State Government of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Mr. Ajay Shrivastava, Advocate for the petitioners.

Ms. Deepali Pandey, Panel Lawyer for State/respondents.

O R D E R

(Passed on this 12th Day of February, 2007)

1. The petitioners were appointed on 27-2-1986, 23-6-1983, 23-6-1983 and 9-1-1986, respectively as Assistant Teachers on fixed pay scale of Rs. 300/-. After completion of their probation, they were granted regular pay scale w.e.f. 15-1-1988, 8-7-1985, 4-7-1085 and 20-1-1987, respectively.

2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether, the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are

(44)

scale w.e.f. the dated of initial appointment. The matter was taken-up to the Hon'ble Supreme Court. The appeal was dismissed, having regard to the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge